

IN THE SENATE

SENATE BILL NO. 1289, As Amended

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO THE LEGISLATURE; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY  
2 THE ADDITION OF A NEW SECTION 67-465, IDAHO CODE, TO AUTHORIZE EITHER OR  
3 BOTH HOUSES OF THE LEGISLATURE TO INTERVENE IN CERTAIN ACTIONS REGARD-  
4 ING CONSTITUTIONALITY OF AN IDAHO STATUTE; AND DECLARING AN EMERGENCY  
5 AND PROVIDING AN EFFECTIVE DATE.  
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is  
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
10 ignated as Section 67-465, Idaho Code, and to read as follows:

11 67-465. INTERVENTION IN ACTIONS REGARDING CONSTITUTIONALITY OF A  
12 STATUTE. When a party to an action challenges in state or federal court the  
13 constitutionality of an Idaho statute, facially or as applied, challenges an  
14 Idaho statute as violating or being preempted by federal law, or otherwise  
15 challenges the construction or validity of an Idaho statute, either or both  
16 houses of the legislature may intervene in the action as a matter of right by  
17 serving a motion upon the parties as provided in state or federal rules of  
18 civil procedure, whichever is applicable.

19 SECTION 2. An emergency existing therefor, which emergency is hereby  
20 declared to exist, this act shall be in full force and effect on and after  
21 July 1, 2022.